

## Timeline of Rights and Powers

### 1. FOUNDING DOCUMENTS

- 1789** — **U.S. Constitution legalizes slavery**  
 Framers institutionalize people as property by three-fifths of a person (Art. I, Sec. 2) & requiring return of escaped “Laborers” (Art. IV, Sec. 2)
- 1791** — **Bill of Rights recognizes unalienable rights**  
 Congress adopts Bill of Rights to limit power of federal government to interfere with individual rights

### 2. BALANCE OF POWER SHIFTS

- 1803** — **Supreme Court establishes judicial review**  
*(Marbury v. Madison)*  
 SCOTUS rules it has supreme power to interpret constitutional law; this breaks balance of power & allows Court to make law by creative interpretation
- 1819** — **Corporations gain standing in Constitution**  
*(Dartmouth College v. Woodward)*  
 SCOTUS “finds” (creates) that corporate charters are contracts under Contract Clause (Art. I, Sec. 10); this gives corporations standing in the Constitution & limits state control of corporations

### 3. WHO IS A “PERSON”?

- 1857** — **Court rules African Americans are not citizens**  
*(Dred Scott v. Sandford)*  
 SCOTUS rules African Americans are “not citizens of any state” and “have no rights a court must respect”
- 1865** — **13<sup>th</sup> Amendment abolishes slavery**  
 Abolishes slavery and involuntary servitude in U.S. states and territories, except as punishment for a crime (Art. IV, Sec. 2)
- 1868** — **14<sup>th</sup> Amendment: equal protection & due process**  
 Congress clarifies citizenship status & privileges; extends equal protection & due process rights of persons to apply to states; counts whole persons & penalizes states that deny male citizens the vote
- 1870** — **15<sup>th</sup> Amendment: Right to vote not denied by race**  
 Recognizes voting as a constitutional right of all citizens; forbids any state to deprive a citizen of his vote because of race, color, or previous servitude
- 1866 & 1875** — **Civil Rights Acts (Enforcement Acts)**  
 Congress passes 5 acts giving federal government power to enforce Civil War amendments
- 1873** — **Privileges & immunities does not apply to states**  
*(The Slaughter-House Cases)*  
 Weakens power of 14<sup>th</sup> Amendment to protect civil rights of blacks; expands Jim Crow laws in the South
- 1875** — **Women denied 14<sup>th</sup> Amendment equal protection**  
*(Minor v. Happersett)*  
 SCOTUS rules 14<sup>th</sup> Amendment did not guarantee women the vote, as voting was not inherent right
- 1886** — **Corporations gain 14<sup>th</sup> Amendment equal protection**  
*(Santa Clara County v. Southern Pacific Railroad)*  
 An offhand comment by a single Justice makes artificial persons equal to real persons under law

### 4. CORPORATIONS GAIN HUMAN RIGHTS

- 1893** — **Corporations gain standing in Bill of Rights**  
*(Noble v. Union River Logging)*  
 SCOTUS gives corporations standing in Bill of Rights & due process protection against federal government
- 1896** — **Separate but equal**  
*(Plessy v. Ferguson)*  
 SCOTUS rules that state laws enforcing racial segregation are constitutional if separate arrangements are equal; legalized “Jim Crow” laws
- 1897** — **Corporations gain Bill of Rights against states**  
*(Chicago, Burlington & Quincy Railroad Co. v. Chicago)*  
 SCOTUS extends Bill of Rights just compensation protection to corporations to use against states
- 1905** — **Corporate “freedom of contract” exploits poor**  
*(Lochner v. New York)*  
 SCOTUS creates a new right for corporations under 14<sup>th</sup> Amendment due process; freedom of contract allows corporations to exploit poor; led to 100s of workers’ health & safety rules being invalidated
- 1906** — **Corporations gain 4<sup>th</sup> Amendment rights**  
*(Hale v. Henkel)*  
 SCOTUS grants corporations 4<sup>th</sup> Amendment rights from unreasonable search and seizure; this limits government’s ability to enforce laws
- 1907** — **Municipal rights preempted by the state**  
*(Hunter v. Pittsburgh)*  
 SCOTUS rules local governments have no rights not granted by state legislature; used in 39 states to divest people of local governing authority

### 5. EXTENDING RIGHTS & POWERS

- 1913** — **17<sup>th</sup> Amendment: U.S. Senate elected by people**  
 Part of reforms to make nation more democratic
- 1919** — **Corporations exist to make money**  
*(Dodge v. Ford Motor Co.)*  
 Michigan Supreme Court rules corporations exist to profit stockholders; used to block government rules
- 1920** — **19<sup>th</sup> Amendment: Right to vote not denied by sex**  
 Recognizes women’s right to vote after 72 years
- 1922** — **Corporations: compensation for regulatory takings**  
*(Pennsylvania Coal v. Mahon)*  
 SCOTUS grants corporations protection against government regulations; courts must weigh costs to comply against loss of corporate property value
- 1933** — **Higher taxes on corporations abolished**  
*(Louis K. Liggett Co. v. Lee)*  
 SCOTUS rules that higher taxes on corporations violates 14<sup>th</sup> Amendment due process rights & the Interstate Commerce Clause (Art. I, Sec. 8)
- 1935** — **National Labor Relations Act (NLRA)**  
 Congress protects workers’ rights to organize unions and to encourage collective bargaining
- 1947** — **Taft-Hartley Act**  
 Congress overrides president’s veto; weakens NLRA

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### 6. CIVIL RIGHTS MOVEMENTS

- 1954** — **Separate is not equal**  
(*Brown v. Board of Education of Topeka*)  
SCOTUS rules public schools cannot be racially segregated; overrules *Plessy (1896)*
- 1964** — **24<sup>th</sup> Amendment: Right to vote NOT denied by failure to pay poll taxes**
- 1964** — **Civil Rights Act**  
Congress ends major forms of discrimination against racial, ethnic, nation, and religious minorities, and women, and in voting practices
- 1965** — **Voting Rights Act**  
Congress prohibits state & local governments from imposing qualifications to deny right to vote
- 1967** — **Right to choose: interracial marriage**  
(*Loving v. Virginia*)  
SCOTUS invalidates state laws prohibiting interracial marriages; recognizes new fundamental right
- 1968** — **Fair Housing Act**  
Congress prohibits state & local governments from discriminating on sale, rental, or financing of housing
- 1971** — **26<sup>th</sup> Amendment: Voting age 18**
- 1973** — **Women's right to privacy & choice**  
(*Roe v. Wade*)  
SCOTUS recognizes new fundamental right
- 1960s & 1970s** — **Popular movements protect health & wellbeing**  
Environmental Protection Agency formed • Clean Air Act • Clean Water Act • National Environmental Policy Act • Occupational Safety & Health Act • Safe Drinking Water Act • Toxic Substances Control Act • Resource Conservation & Recovery Act • Surface Mining Control & Reclamation Act • and much more

### 7. WHAT IS "SPEECH"?

- 1976** — **Political money is form of free speech**  
(*Buckley v. Valeo*)  
SCOTUS rules that campaign spending is protected speech & any limits are unconstitutional; Court upholds federal limits on campaign contributions
- 1978** — **Commercial money is form of free speech**  
(*First National Bank of Boston v. Bellotti*)  
SCOTUS overturns state restrictions on corporate spending on citizen initiatives; makes corporate advertising on initiatives a form of protected speech
- 1986** — **Corporations gain protected right NOT to speak**  
(*Pacific Gas & Electric Co. v. Public Utilities Commission of CA*)  
SCOTUS establishes corporation's right NOT to speak to protect corporation's "freedom of mind"
- 1996** — **Corporate right NOT to speak extended**  
(*International Dairy Foods Association v. Amestoy*)  
U.S. District Appeals Court overturns Vermont law requiring GMO labeling of state dairy products; extends ruling to commercial & political speech, to facts & opinions; eliminates truth in ads & campaigns & violates people's right-to-know under SARA III 1980

### 8. (MOSTLY) VIOLATIONS OF CIVIL LIBERTIES

- 2001** — **PATRIOT Act: Approves spying on U.S. citizens**  
Congress allows government to monitor U.S. citizens by searching phones & financial records; allows indefinite detention of non-U.S. citizens
- 2005** — **Eminent domain use for private profit**  
(*Kelo v. City of New London*)  
SCOTUS grants power of eminent domain to for-profit corporations with government-approved projects
- 2005** — **Energy Policy Act weakens public health laws**  
Congress weakens or exempts federal enforcement of major health laws relating to oil and gas activities
- 2010** — **Corporate right to unlimited spending in elections**  
(*Citizens United v. Federal Election Commission*)  
SCOTUS establishes unlimited spending on political campaigns as corporate form of protected speech; destroys integrity of election process
- 2010** — **Corporate right to unlimited political contributions**  
(*SpeechNow.org v. Federal Election Commission*)  
U.S. District Appeals Court rules Super PACs can accept unlimited contributions from individuals as well as unions & corporations without disclosing donor names
- 2011** — **Enshrines gender & wage discrimination**  
(*Wal-Mart v. Dukes*)  
SCOTUS rules employees must have proof of wage discrimination against women and people of color; proof means harassment, intimidation and job loss
- 2011** — **PATRIOT Act extended**  
Congress extends PATRIOT Act provisions and allows indefinite detention of U.S. citizens; violates 4<sup>th</sup>, 5<sup>th</sup> & 6<sup>th</sup> Amendments
- 2013** — **Approves racial discrimination in voting**  
(*Shelby County v. Holder*)  
SCOTUS strikes down heart of Voting Rights Act of 1965; frees nine mostly southern states to change election laws without advance federal approval
- 2014** — **Eliminates overall limits on campaign contributions**  
(*McCutcheon v. Federal Elections Commission*)  
SCOTUS strikes down limits on overall campaign contributions that wealthy persons may make to candidates, political parties, and PACs; claims aggregate limits do not prevent corruption
- 2014** — **Grants freedom of religion to some corporations**  
(*Burwell v. Hobby Lobby*)  
SCOTUS "finds" family-owned corporations have protected religious freedoms; expands corporate rights at expense of workers' 1<sup>st</sup> Amendment rights
- 2015** — **Right to choose: Marriage for same-sex couples**  
(*Obergefell v. Hodges*)  
SCOTUS recognizes new fundamental right
- 2016** — **Legislative districts based on whole population**  
(*Evenwel v. Abbott*)  
SCOTUS rules that legislative districts are based on the whole population (kids, prisoners & other unregistered voters), not just registered voters